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Filing date: **02/19/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|---------------------------|--|
| Proceeding | 92060428 |
| Party | Plaintiff Quality Bicycle Products, Inc. |
| Correspondence Address | KRISTINE BOYLAN BRIGGS AND MORGAN PA 2200 IDS CENTER , 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402 UNITED STATES kboylan@briggs.com, kwollan@briggs.com, IP@Briggs.com, mmoore@qbp.com, bdolan@qbp.com |
| Submission | Answer to Counterclaim |
| Filer's Name | Kristine M. Boylan |
| Filer's e-mail | kboylan@briggs.com, kwollan@briggs.com |
| Signature | /Kristine M. Boylan/ |
| Date | 02/19/2015 |
| Attachments | 45NRTH Answer to Counterclaim.pdf(37457 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration Nos. 4496120 and 4414967

For the Marks  and **45NORTH**

Registered on October 8, 2013 and March 11, 2014

QUALITY BICYCLE PRODUCTS, INC., :

Petitioner, :

v. :

Cancellation No. 92060428

MIDDLEBROOK DESIGN LLC :

dba LOVE TRAVERSE CITY, :

Registrant. :


ANSWER TO COUNTERCLAIM

Quality Bicycle Products, Inc. (“Petitioner”) hereby Answers Registrant’s Counterclaim
as follows:

1. Petitioner denies the allegations contained in paragraph 1 of Registrant’s Facts.
2. Petitioner denies the allegations contained in paragraph 2 of Registrant’s Facts.
3. Petitioner denies the allegations contained in paragraph 3 of Registrant’s Facts.
4. Petitioner denies the allegations contained in paragraph 4 of Registrant’s Facts.
5. Petitioner denies the allegations contained in paragraph 5 of Registrant’s Facts.
6. Petitioner lacks sufficient knowledge and evidence to either admit or deny paragraph 6 of Registrant’s Facts.
7. Paragraph 7 of Registrant’s Counterclaim contains a statement of law to which no response is required.
8. Petitioner denies the allegations contained in paragraph 8 of Registrant’s Counterclaim.
9. Petitioner denies the allegations contained in paragraph 9 of Registrant’s Counterclaim.

Quality Bicycle Products, Inc. for its Affirmative Defenses to Registrant's Counterclaim
hereby states:

- A. Registrant's Counterclaim is barred by Petitioner's prior registration for U.S. Trademark Registration No. 4268136, registered January 1, 2013.
- B. Registrant's Counterclaim is barred by Registrant's knowledge of Petitioner's prior use and registration of the mark

WHEREFORE, Petitioner prays that Registrant's Counterclaim be dismissed with prejudice, and that the Petition to Cancel Registration Nos. 4496120 and 4414967 –  and **45thNORTH** – be sustained.

Dated: February 19, 2015

Respectfully submitted:

By: /Kristine M. Boylan/
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*Attorneys for Petitioner Quality Bicycle
Products, Inc.*

CERTIFICATE OF FILING

I hereby certify that this correspondence is being filed electronically through on-line TTAB filing system, ESTTA on February 19, 2015.

Dated: February 19, 2015

By: /Kristine M. Boylan/
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Attorneys for Petitioner
Quality Bicycle Products, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via regular U.S. Mail this 19th day of February, 2015 upon the following:

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Dated: February 19, 2015

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